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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,145	10/25/2005	Akiyoshi Murakami	01165.0940	6376
22852 7590 03/19/2008 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER GOODWIN, JEANNE M	
			ART UNIT 2833	PAPER NUMBER
			MAIL DATE 03/19/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,145	Applicant(s) MURAKAMI ET AL.	
	Examiner Jeanne-Marguerite Goodwin	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-14 and 20 is/are rejected.
- 7) ☒ Claim(s) 6-10 and 15-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/17/08 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/17/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 11-14, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,396,772 to Yabe et al. [hereinafter Yabe].

Regarding claim 1: Yabe discloses an electronic timepiece (1) comprising: a first power source (80); a clock circuit (104) connected to the first power source (80); a power source input detecting circuit (106) for detecting an input of a second power source (48); a switch circuit (49) for connecting the first power source (80) and the second power source (48) (col. 6, lines 55-60); and a control circuit (93) for controlling the switch circuit (49) to connect the first power source (80) and the second power source (48) so that the first power source (80) is charged by the second power source (48), thereby operating the clock circuit (104), when the power source input detecting circuit (106) detects an input of the second power source (48).

Regarding claim 2: Yabe discloses the electronic timepiece (1) according to claim 1, wherein the second power source (48) has a capacity larger than that of the first power source (80).

Regarding claim 3: Yabe discloses the electronic timepiece (1) according to claim 1, wherein the switch circuit (49) has a first switch (SW11-SW14, SW21) that connects the first

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power source (48) and the second power source (80) in parallel (col. 7, lines 3-38), and a second switch (SW11-SW14) that is connected in parallel to the first switch (SW11-SW14, SW21), and when the power source input detecting circuit (106) detects the input of the second power source (48), the control circuit (105) turns on the second switch (SW1-SW4) to connect the first power source (80) and the second power source (48) (col. 7, lines 40-67, col. 8, lines 1-67, col. 9, lines 1-49, col. 10, lines 42-67).

Regarding claim 4: Yabe discloses the electronic timepiece (1) according to claim 3, further comprising: a power generator (A); and a voltage detector (92A-92C) for turning on the first switch (SW11-SW14, SW21) when the power generator (A) sufficiently charges the second power source (48) (col. 6, lines 28-55).

Regarding claim 5: Yabe discloses the electronic timepiece (1) according to claim 3, wherein the control circuit (105) is controlled by the clock circuit (104).

Regarding claim 11: Yabe discloses the electronic timepiece (1) according to claim 3, further comprising a comparator circuit (971) that operates so as not to turn on the second switch (SW1-SW4) when the voltage of the second power source (48) is at or below a predetermined voltage (col. 14, lines 41-67, col. 15, lines 1-28).

Regarding claim 12: Yabe discloses the electronic timepiece (1) according to claim 1, wherein the switch circuit (49) has a first switch that connects the first power source (80) in parallel to the second power source (48) and, when the power source input detecting circuit (106) detects that the second power source (48) is input, the control circuit (105) turns on the first switch (SW11-SW14, SW21) to connect the first power source (80) and the second power source (48) (col. 7, lines 40-67, col. 8, lines 1-67, col. 9, lines 1-49, col. 10, lines 42-67).

Regarding claim 13: Yabe discloses the electronic timepiece (1) according to claim 3, further comprising: a power generator (A); and a voltage detector (92A-92C) for turning on the first switch (SW11-SW14, SW21) when the power generator (A) sufficiently charges the second power source (48) (col. 6, lines 28-55).

Regarding claim 14: Yabe discloses the electronic timepiece (1) according to claim 3, wherein the control circuit (105) is controlled by the clock circuit (104).

Regarding claim 20: Yabe discloses the electronic timepiece according to claim 12, further comprising a comparator circuit (971) that operates so as not to turn on the first switch (SW11-SW14, SW21) when the voltage of the second power source (48) is at or below a predetermined voltage (col. 14, lines 41-67, col. 15, lines 1-28).

Allowable Subject Matter

3. Claims 6-10 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. US 6,693,851 and US 6,462,967 to Fujisawa et al. discloses a timepiece having first and second power sources; US 6,301,198 to Otaka et al. discloses a timepiece having a voltage comparison means; US 5,701,278 to Higuchi et al. discloses a timepiece having a voltage detector circuit; US 5,889,734 to Sato discloses timepiece having first and second power sources; US 7,161,874 to Ichikawa et

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al. discloses a timepiece using two power generating means; US 6,956,794 to Nakamura et al. discloses a timepiece using switches to control the oscillator; and US 5,835,457 to Nakajima discloses a timepiece using voltage detection circuit and switching means.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Paula can be reached on (571) 272-2800 ext 33. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

JMG
March 17, 2008


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